

REMARKS

Entry of the foregoing amendments is respectfully requested.

Status

As is correctly indicated in the Office Action Summary, Claims 1-34 are pending. Claims 1-34 are subject to restriction and election requirements.

Summary of Claim Amendments

By the foregoing amendments, Claims 9-11 have been amended to correct a minor typographic/linguistic error. Specifically, the former dash “–” has been replaced with the word “to.” Accordingly, no new matter has been added.

Also by the foregoing amendments, Claims 35-46 have been added. These claims are directed to systems for screening crystallization conditions or amorphous stage conditions of a molecule, comprising at least one levitator for positioning at least one droplet, at least one dispenser for delivering at least one substance to the positioned droplet, and one or more means for detecting nucleation tendency in the at least one levitated droplet. Support for Claims 35-46 may be found throughout the Specification, at least at Page 8, Lines 26-30, Page 8, Line 37 to Page 9, Line 7; Page 11, Lines 15-19; Page 11, Lines 29-34; Page 11, Line 38 to Page 12, Line 12; Page 12, Lines 16-17; Page 18, Lines 17-24; and at least in original Claims 12 and 21. Accordingly, no new matter has been added.

Response to Restriction Requirement

Applicants respectfully elect Group III (Claims 21, 22, and 29-34 “drawn to a method for screening crystallization conditions or amorphous stage conditions for a molecule”), with traverse. Applicants respectfully request that new Claims 35-46 be examined in conjunction with the claims of Group III.

Response to Elections of Species Requirement

Species of Detection Practice: Applicants elect detection via multi-angle light scattering in combination with Raman spectroscopy. Applicants believe Claims 1, 3-14, 16-37, and 39-46 read on this elected species.

Species of Levitating Practice: Applicants elect acoustic levitating. Applicants believe Claims 1-22, 24, 25, and 27-46 read on this elected species.

Species of Substance Delivered To The Levitated Droplet: Applicants elect a substance influencing nucleation conditions as the species of substance delivered to the levitated droplet. Claims 1-5, 7-17, 19-23, 26, 29-40, 42-46 are believed to read on this elected species.

Reasons for Traversal

Applicants respectfully traverse the restriction requirement in this case and respectfully request that it be modified. M.P.E.P. § 803 states, "[i]f the search and examination of an entire application can be made without **serious burden**, the examiner must examine it on the merits, even though it includes claims independent or distinct inventions." (emphasis added). Applicants believe it would not be an undue burden upon the Examiner to examine all three groups of claims at the present time.

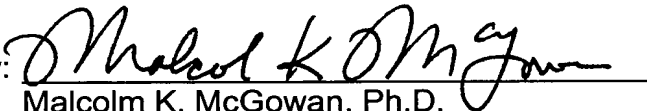
Accordingly, modification of the requirement for restriction is respectfully requested.

CONCLUSION

In the event that there are any questions relating to this amendment and response to restriction requirement, or the application in general, it would be greatly appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 27, 2004

By: 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620